the same. The post of Medical Superintendent at AIIMS, New Delhi, has been advertised for making regular appointment and selection will be made in due course.

Two child norms

262. SHRIMATI N.P. DURGA: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that Government have decided not to impose two child norm in the country;

(b) whether it will amount to violation of Fundamental Rights if two-child norm is imposed in the country;

(c) if so, the reasons therefor;

(d) how Government are going to achieve the goal of population control through population stabilisation programme on voluntary basis; and

(e) whether Government propose to amend the National Population Policy?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRIMATI PANABAKA LAKSHMI): (a) Yes, Sir.

(b) and (c) Question does not arise in view of (a) above.

(d) The Family Welfare Programme in India is voluntary in nature, which enables a couple to adopt the family planning methods, best suited to them, according to their choice, without any compulsion. Many States have already achieved the goal of population stabilization (TFR of 2.1) through voluntary methods.

(e) No, Sir.

Circulation of spurious drugs

263. SHRI S.S. AHLUWALIA:
DR. PRABHA THAKUR:

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that instances of circulation of spurious drugs have been growingly coming to light;

(b) if so, the details of complaints registered by affected consumers with the authorities and sources of circulations uncovered, if any, by enforcement agencies, year-wise, during the last five years;

(c) whether any survey has been carried out by Government with a view to ascertain the spurious drug menace in all its dimensions;

(d) if so, the finding thereof;

(e) if not, the reasons therefor; and

(f) what were the salient observations and recommendations made in 2003 by the Committee headed by R.A. Mashelkar, DG, CSIR, in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRIMATI PANABAKA LAKSHMI): (a) There have been media reports quoting varying figures about the alleged extent of circulation of spurious drugs in the country. However, as per the feedback available from the Drugs Controllers of States/UTs, 36947, 38824, 36314, 39465 drugs samples were tested during the period 2000-01, 2001-02, 2002-03 and 2003-04, out of which 112, 96, 125 and 108 samples respectively were found spurious which is 0.3, 0.25, 0.34 and 0.27% of the samples tested. Thus it does not appear that the spurious medicines have been growing alarmingly.

(b) Action against any complaints for possible manufacture or sale of spurious drugs is taken by State Governments through their respective drugs control organizations. In view of this, specific details of the complaints registered by consumers with the drugs control authorities of States/UTs are not maintained Centrally. However, Government of India has been taking various initiatives to ensure uniform and strict action to tackle the problem of spurious drugs. Some of such specific initiatives are as follows:—

(i) Issues concerning alleged sale of spurious drugs taken up by Union Health Minister with State Health Ministers in the conference of Central Council of Health and Family Welfare.

(ii) Meeting of State Drug Controllers together with representatives of pharma industry and trade organizations, arranged.

(iii) Financial assistance provided to States for augmentation of drug testing facilities.

(iv) Matter concerning sale of spurious drugs and initiatives to be taken up by State Governments were taken up by Union Health Minister with all Chief Ministers in October, 2002.

(v) A World Bank assisted Capacity Building Project on Food Safety and Quality Control of Drugs has been launched with effect from October, 2003. This project aims at strengthening, *inter-alia,* the drug regulatory infrastructure in the country by augmenting the drug testing facilities by providing for equipments, civil works, staff and consumables and extensive training of drugs regulatory/quality control officials and industry personnel. Annual drug testing capacity to be raised to 1,00,000 samples as against 36,000 to 38,000 samples.

(vi) Special training programme for improving investigations and legal skills organized for State officials.

(c) to (e) Manufacture of spurious drugs is primarily a clandestine activity. Being a clandestine activity, it is difficult to assess the actual quantum of spurious drugs. However, a study of samples of drugs tested all over the country in last 4 to 5 years, reveals that about 0.2% to 0.3% of samples fall within the category of spurious drugs.

(f) Based on the recommendations of Dr. R.A. Mashelkar Committee, a legislation to amend the penal provisions of Drugs and Cosmetics Act, 1940, and to provide for stricter penalties to the offenders including a maximum penalty of capital punishments, was introduced in the Parliament in December, 2003.

The salient amendments proposed under the Bill are given below:—

1. Enhance the punishment relating to spurious or adulterated drugs leading to death or grievous hurt within the meaning of Section 320 IPC upto punishment of death or imprisonment for a term which shall not be less than 10 years but which may extend to imprisonment for life and shall also be liable to fined of one lakh rupees or upto three times the value of the goods seized, whichever is higher.

2. Penalities for subsequent offences to be enhanced upto 10 years and with fine which shall not be less than one lakh rupees.
3. Offences relating to spurious or adulterated drugs to be made non-bailable and cognizable.
4. Provision for setting up of special courts to try offences or spurious or adulterated drugs.
5. To confer powers upon police offices not below the rank of sub-inspector or other designated officers to institute prosecutions under the said Act.
6. Provision for compounding of offences for minor offences under the Act.

The proposed amendments will make the Law deterrent to the offenders involved in the manufacture or sale of spurious drugs. The involvement of enforcing agencies like Police will help in speedy investigations to book the culprits and in controlling anti-social elements involved in such activities.

Since the Bill has now lapsed with the dissolution of previous Lok Sabha, necessary action to introduce a bill to enhance penalties for manufacture and/or sale of spurious and/or adulterated drugs under the Drugs & Cosmetics Act, 1940, has been initiated by the Ministry of Health & Family Welfare.

Deaths of patients in AIIMS

†264. SHRI PYARELAL KHANDELWAL: Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether it is a fact that about three thousand patients die every year in Delhi's well-known All India Institute of Medical Sciences;

(b) if so, the action being taken by Government in this regard;

(c) whether Government would take any effective steps to provide free emergency medical facilities in all the Government hospitals, private hospitals and nursing homes; and

(d) if so, the details thereof and the details of procedure for conducting surprise inspection/check in the Government Hospitals?

†Original notice of the question was received in Hindi.